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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,986	08/29/2001	Thomas V. Ressemann	891,144-010	6847
34263	7590	05/08/2006	EXAMINER	
O'MELVENY & MYERS LLP 610 NEWPORT CENTER DRIVE 17TH FLOOR NEWPORT BEACH, CA 92660			STIGELL, THEODORE J	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,986

Applicant(s)

RESSEMAN ET AL. ✓

Examiner

Theodore J. Stigell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) 20-110 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/06, 10/14/05, 8/31/05, 5/20/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species L (Figures 12D-12F) in the reply filed on February 7, 2006 is acknowledged. However, in light of the cancellation of claims 20-110, the Election of Species requirement is withdrawn. It is the Examiner's position that most, if not all, of the embodiments are readable on claim 1.

Claim Objections

Claim 1 is objected to because of the following informalities: There is no antecedent basis for "the stenosis". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Imran (5,833,650). See especially Figures 6A-6E and the respective portions of the specification. Imran discloses a method of treatment of a blood vessel comprising advancing an evacuation sheath assembly (11) into the blood vessel, stopping normal antegrade blood flow in the blood vessel proximate the stenosis (76) (Figure 6B), advancing a therapeutic catheter (51) into the blood vessel, treating the stenosis with the therapeutic catheter, advancing an infusion catheter (31) to a location distal to the

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stenosis, infusing the blood vessel with a fluid supplied by the infusion catheter, and inducing retrograde flow within the blood vessel to carry embolic material dislodged during treating into the evacuation sheath assembly.

In regards to claims 2-4, Imran discloses a method that includes all of the limitations as recited in claim 1 wherein advancing the infusion catheter includes advancing the infusion catheter through a distal end of the evacuation sheath assembly, wherein stopping blood flow includes creating a first seal (19) between the evacuation sheath and the blood vessel and creating a second seal between a guide catheter (63) and a proximal portion of the evacuation sheath assembly.

In regards to claims 5-9, Imran discloses a method that includes all of the limitations as recited in claim 1 wherein the retrograde flow includes applying a vacuum through the evacuation sheath, treating the stenosis includes advancing an angioplasty balloon (58), wherein treating the stenosis includes advancing a stent (126) to the stenosis, and wherein inducing retrograde flow involves venting pressure as is well-known in the art.

In regards to claims 10-17, Imran discloses a method that includes all of the limitations as recited in claim 1 wherein the blood vessel can be a coronary artery or saphenous vein graft, wherein the step of stopping normal antegrade blood flow is performed prior to advancing the device a stenosis, wherein infusing the blood vessel is done through infusion port (38), and wherein saline, blood, or radiopaque dye can be infuse into the blood vessel.


In regards to claim 18-19, Imran discloses a method that includes all of the limitations as recited in claim 1 wherein the evacuation sheath is advanced through guide catheter (63) and further applying a vacuum to the guide catheter and further comprising inducing retrograde flow prior to advancing the infusion catheter to move debris proximal to the treated stenosis.

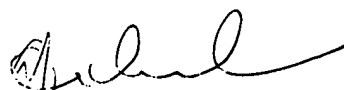
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Theodore J. Stigell


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